

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks. By virtue of the amendment, claims 1-29 are pending in the present application of which claims 1, 9, 15 and 27 are independent.

No new matter has been introduced by way of the claim amendments, entry thereof is therefore respectfully requested.

Claims 1-3, 8-10, 14-17, 20-21, 23, 25, and 27-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by O'Sullivan et al.(U.S. Patent Number 6,560,656). Claims 4-6, 11-13, 18-19, 22, 24, 26 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Sullivan et al. in view of Chang (U.S. Patent Number 6,058,113). Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Sullivan et al. and Chang as applied to claim 6 and further in view of Combar et al. (U.S. Patent Number 6,515,968). The above rejections are respectfully traversed for at least the reasons set forth below.

Drawings and Information Disclosure Statement

At the outset, the indication that the drawings and Information Disclosure Statement filed on April 20, 2001 have been respectively accepted and considered is noted with appreciation.

Claim Objections

Claim 14 was objected to because of an informality in the preamble. Claim 14 has been amended to overcome this objection. The Applicant believes that claim 14 is now in condition for allowance.

Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1-3, 8-10, 14-17, 20-21, 23, 25, and 27-28 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by the disclosure contained in O'Sullivan et al. This rejection is respectfully traversed because the claimed invention as set forth in amended claims 1, 9, 15, 27 and the claims that depend therefrom are patentably distinguishable over O'Sullivan et al.

O'Sullivan et al. discloses a method for facilitating communications in a distributed network. In O'Sullivan, a device newly attached to a network sends out a multicast message to other devices in the network. See, for example, Figure 4 and Column 7 Lines 8+. Each device in the network receives the multicast message and responds by sending a request to a code sever (Item # 405) which responds to the devices with the proper code for

communicating with the newly installed device. As shown in Figure 4, each device receiving the multicast message responds to the message and does not check for a message type. Nor does each device ignore any message from the newly installed device.

Claim 1, 9, 15 and 27 are directed to determining if said request is of a first type or a second type, and responding to said request if said request is of the first type and ignoring (or not responding to as recited in claim 27) said request if said request is of the second type. O'Sullivan et al. fails to teach responding to the first type request while ignoring the second type request recited in claims 1, 9, 15 and 27. Specifically, O'Sullivan et al. discloses that each device (Item #410, 413 and 416) responds to the multicast message regardless of the type of message that was sent. See Figure 4. Also See Column 7 Lines 45-48. Furthermore, O'Sullivan et al. fails to disclose anything about determining whether the request is of a first type or a second type.

Accordingly, O'Sullivan et al. fails to teach all of the features contained in claims 1, 9, 15 and 27, and thus, these claims are believed to be allowable. Claims 2-8, 10-14, 16-26, 28 and 29 depend upon allowable claims 1, 9, 15 and 27 and are also allowable at least by virtue of their dependencies.

Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference

(or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 4-6, 11-13, 18-19, 22, 24, 26 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Sullivan et al. in view of Chang. The Applicant submits that claims 1, 9, 15 and 27 are not obvious over O'Sullivan et al. in view of Chang. Therefore, claims 4-6, 11-13, 18-19, 22, 24, 26 and 29 which depends from claims 1, 9, 15 and 27 are allowable at least by virtue of their dependencies. The Examiner is therefore respectfully requested to withdraw the rejection of claims 4-6, 11-13, 18-19, 22, 24, 26 and 29.

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Sullivan et al. and Chang as applied to claim 6 and further in view of Combar et al. The Applicant submits that claim 1 is not obvious over O'Sullivan et al. and Chang further in view of Combar et al. Therefore, claim 7 which depends from claim 1 is allowable at least by virtue of its dependency. The Examiner is therefore respectfully requested to withdraw the rejection of claim 7.

PATENT

Atty Docket No.: 10008120-1
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Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

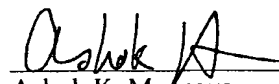
Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

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